

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

**FOR PURPOSES OF CONSIDERATION OF
TPM 20846, Log No. 04-08-030, PIZZUTO MINOR SUBDIVISION**

October 30, 2008

The Project Analyst must ensure that all applicable environmental ordinances are complied with to the extent that these ordinances apply to the project.

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

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NO

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NOT APPLICABLE/EXEMPT

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The Habitat Loss Permit (HLP) /Coastal Sage Scrub Ordinance is the implementing ordinance for the County to comply with the Southern California Coastal Sage Scrub Natural Communities Conservation Planning (NCCP) Process Guidelines. The NCCP is a state program that identifies and provides for the regional or area-wide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. The Coastal Sage Scrub NCCP was designed because many species that are listed as sensitive, threatened, or endangered by federal and state resource agencies are associated with coastal sage scrub habitat. This program enables jurisdictions, through agreements with the state and federal agencies, to benefit from interim take provisions established in the USFWS special rule [4(d) rule]. The interim take refers to the authorization for removal of coastal sage scrub and/or any incidental impacts to target species during the time that a jurisdiction, such as the County of San Diego, prepares a Subregional NCCP. The County already has a Subregional and Subarea NCCP (the Multiple Species Conservation Program) covering some of the unincorporated lands, but is currently working on a draft proposal for a subregional plan in the North County. Until such time as a plan is approved for that area, the County must follow the Coastal Sage Scrub NCCP Process Guidelines when considering a proposal to remove coastal sage scrub habitat.

Since the Pizzuto project proposes to remove coastal sage scrub, a habitat regulated by the NCCP, certain findings must be made to the satisfaction of the US Fish and Wildlife Service and the California Department of Fish and Game. These findings are provided in Section 4.2.g of the Southern California Coastal Sage Scrub NCCP Process Guidelines. Staff has prepared a draft HLP, dated October 29, 2008, that includes all of the required findings. Therefore, staff has determined that the project complies with the Habitat Loss Permit/Coastal Sage Scrub Ordinance.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES NO NOT APPLICABLE/EXEMPT
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The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES NO NOT APPLICABLE/EXEMPT
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The project will obtain its water supply from the Vallecitos Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Wetland and Wetland Buffers: The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year.

Floodways and Floodplain Fringe: The project is not located near any floodway/floodplain fringe area as defined in the resource protection ordinance, nor is it located near any watercourse which is plotted on any official County floodway/floodplain map.

Steep Slopes: Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property however, an open space easement is proposed over the entire steep slope lands. Therefore, the project is in conformance with the RPO.

Sensitive Habitats: Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the Pizzuto property. Therefore, it has been found that the proposed project complies with Article IV, Item 6 of the Resource Protection Ordinance.

Significant Prehistoric and Historic Sites: The property has been surveyed by a County of San Diego certified archaeologist/historian, Gail Wright and it has been determined that the property does not contain any archaeological/ historical sites.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES
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NO
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NOT APPLICABLE
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DPW staff has reviewed the updated Stormwater Management Plan (SWMP) prepared by BHA, Inc. submitted 09-19-08. Previous comments have been addressed. The document is substantially complete and complies with the San Diego County Standard Urban Stormwater Mitigation Plan (SUSMP) and Watershed Protection Ordinance (WPO) requirements for a Stormwater Management Plan

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
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NO
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NOT APPLICABLE
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The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport. Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.